

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) JOSHUA FIELDS)	
)	
Plaintiff,)	
)	
v.)	21-cv-00986-G
)	
(1) GREAT LAKES INSURANCE SE,)	<i>Removed from the District Court of</i>
(2) MJ KELLY COMPANY, and)	<i>Kay County, State of</i>
(3) CAPSTONE ISG,)	<i>Oklahoma, Case No. CJ-2021-00037</i>
)	
Defendants.)	

**DEFENDANT GREAT LAKES INSURANCE SE’S OBJECTIONS TO
PLAINTIFF’S FINAL EXHIBIT LIST**

Defendant Great Lakes Insurance SE (“Defendant,” or Great Lakes”) hereby objects to Plaintiff’s Final Exhibit List [Dkt. # 31] for the following reasons asserted herein as well as due to the fact that many of Plaintiff’s exhibits are not correctly identified, have not been previously produced, and/or are so insufficiently described or too broadly grouped so as to prevent Great Lakes from understanding exactly what documents are encompassed in Plaintiff’s exhibits. Defendant asserts that such exhibits should not be permitted or that the Court delay ruling on Great Lakes’ objections until Plaintiff sufficiently identifies his exhibits in an amended list. Further, as discovery is ongoing and may lead to additional objections to these exhibits or to the proposed scope of use, Great Lakes respectfully reserves its right to add, modify or supplement its objections to any exhibits herein as part of the Pretrial Order or at trial, as may be appropriate and permitted by the Court.

<u>No.</u>	<u>Exhibit</u>	<u>Objections</u>
1.	Ponca City Fire Department Incident report.	Limited admissibility – FRE 105; hearsay – FRE 801-

		802; lack of foundation or authentication – FRE 901; not produced and not sufficiently identified – FRE 901; further objections reserved upon proper identification.
2.	Ponca City Police Department Uniform Incident report.	Limited admissibility – FRE 105; hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; not produced and not sufficiently identified – FRE 901; further objections reserved upon proper identification.
3.	Ponca City Police Department Radio message call log.	Limited admissibility – FRE 105; hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; not produced and not sufficiently identified – FRE 901; further objections reserved upon proper identification.
4.	Ponca City Police Department 376 photographs taken at the scene of the fire.	Limited admissibility – FRE 105; cumulative and/or confusing – FRE 401-403; hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; not produced and not sufficiently identified – FRE 901; further objections reserved upon proper identification.
5.	Ponca City Police Department emergency radio & call traffic document for Case No. 20005975.	Limited admissibility – FRE 105; hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; not produced and not sufficiently identified – FRE 901; further objections

		reserved upon proper identification.
6.	Ponca City Police Department emergency radio & call traffic 98 files for Case No. 20005975.	Limited admissibility – FRE 105; cumulative and/or confusing – FRE 401-403; hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; not produced and not sufficiently identified – FRE 901; further objections reserved upon proper identification.
7.	Ponca City Police Department Patrolman Kisen Sharp's body camera footage at the scene of the fire.	Limited admissibility – FRE 105; cumulative and/or confusing – FRE 401-403; hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; not produced and not sufficiently identified – FRE 901; further objections reserved upon proper identification.
8.	Ponca City Police Department Officer Kinkaid's body camera footage of the property inspection and interviewing the neighbors, Blake Langfelt and Justin Burns.	Limited admissibility – FRE 105; cumulative and/or confusing – FRE 401-403; hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; not produced and not sufficiently identified – FRE 901; further objections reserved upon proper identification.
9.	Ponca City Police Department Sargent Brian Dye recorded interview of neighbors taken on 3/25/20.	Limited admissibility – FRE 105; cumulative and/or confusing – FRE 401-403; hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; not produced and not sufficiently identified – FRE

		901; further objections reserved upon proper identification.
10.	City of Ponca City Notices of Hearing for Condemnation.	Limited admissibility – FRE 105; improper presumption – FRE 301-302; cumulative and/or confusing – FRE 401-403; irrelevant – FRE 401 – 403; hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; not produced and not sufficiently identified – FRE 901; further objections reserved upon proper identification.
11.	Ponca City Utility billing statements for costs of roll-off dumpsters used for debris cleaning.	Limited admissibility – FRE 105; cumulative and/or confusing – FRE 401-403; irrelevant – FRE 401 – 403; hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; not produced and not sufficiently identified – FRE 901; further objections reserved upon proper identification.
12.	Great Lakes/Capstone claims file for claim no. 123391.	This Exhibit describes what is possibly all, or nearly all, of Great Lakes’ document production in this case, which is presently over 1,100 documents, and is not a “claim file.” Without proper description and identification of which documents would make up this proposed Exhibit, Great Lakes cannot possibly identify all the bases for its objections and requests its objections be held in

		<p>abeyance until this Exhibit is properly identified. As a precaution, Great Lakes makes a preliminary objection to this Exhibit as currently described based upon the following, and reserves the right to further object once/if this Exhibit is later properly identified:</p> <p>Limited admissibility/incomplete record – FRE 105; duplicative, cumulative and/or confusing – FRE 401-403; irrelevant – FRE 401 – 403; hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; not sufficiently identified – FRE 901; further objections reserved upon proper identification.</p>
13.	Great Lakes Insurance SE policy issued to Plaintiff under policy no. BC003908.	<p>Limited admissibility – FRE 105; lack of foundation or authentication – FRE 901; not sufficiently identified – FRE 901; further objections reserved upon proper identification.</p>
14.	July 7, 2021 Great Lakes/Capstone letter denying coverage under the policy.	<p>Cumulative and/or confusing – FRE 401-403; improper presumption – FRE 301-302; prejudicial/confusing description of unidentified document – FRE 401-403; hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; not sufficiently identified – FRE 901; further objections reserved upon proper</p>

		identification.
15.	Email confirming roll-off delivery date for roll-off at subject property.	Cumulative and/or confusing – FRE 401-403; irrelevant – FRE 401 – 403; hearsay – FRE 801-802; lack of foundation or authentication – FRE 901; not produced and not sufficiently identified – FRE 901; further objections reserved upon proper identification.
16.	Letter/Report from Russ Didlake regarding evaluation of property value.	Expert not previously identified or disclosed and report not previously produced as required by Fed. R. Civ. P. 26 and Court's Scheduling Order (Dkt. # _); absence of qualification, unreliable, improper legal conclusions, irrelevant, and improper opinions and should be excluded pursuant to FRE 701-706 and <i>Daubert v. Merrell Dow</i> and its progeny; not previously identified or produced – FRE 901; improper presumption – FRE 301-302; irrelevant – FRE 401-403; confusing and/or cumulative – FRE 401-403; hearsay – FRE 801-802; lack of authentication or foundation – FRE 901.
17.	City of Ponca City adopted fire code in effect at time of Plaintiffs loss date.	Limited admissibility and/or incomplete – FRE 105-106; lack of foundation or authentication – FRE 901; not previously produced or sufficiently identified – FRE 901; further objections

		reserved upon proper identification.
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Respectfully submitted,

/s/ Sara E. Potts

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***Attorneys for Defendant Great Lakes
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CERTIFICATE OF SERVICE

This certifies that on August 18, 2022, a true and correct copy of the foregoing document was served via the Court's electronic notification system to the following counsel of record:

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